

JAN 26 2012

JULIA C. DUDLEY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

ERIC SHAVONN SAYERS,) CASE NO. 7:12CV00009

Plaintiff,)
) FINAL ORDER

vs.)
)

LT. JANINE PATRICK, ET AL.,) By: James C. Turk
Defendant(s).) Senior United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

as follows:

1. Plaintiff's claims that he is being wrongfully confined past the expiration of his criminal sentence are hereby **CONSTRUED** as a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, and summarily dismissed without prejudice for failure to exhaust state court remedies;
2. Plaintiff's claims under 42 U.S.C. § 1983 are **DISMISSED** without prejudice, pursuant to 28 U.S.C. § 1915A(b)(1), for failure to state a claim or as legally frivolous; and
3. This action is stricken from the active docket of the court.

ENTER: This 26th day of January, 2012.

James C. Turk

Senior United States District Judge